



राजपत्र, हिमाचल प्रदेश

(असाधारण)

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, वीरवार, ६ फरवरी, १९९७/१७ मार्च, १९१८

हिमाचल प्रदेश सरकार

नगर एवं ग्राम योजना विभाग

अधिसूचना

शिमला-२, २४ जनवरी, १९९७

संख्या पी० बी० डब्ल्यू० (बी० एण्ड आर०) (बी) २४(१८)/९० (लूज).—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश टाऊन एण्ड कन्ट्री प्लानिंग ऐक्ट, १९७७ (१९७७ का १२) को धारा-८७ द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, हिमाचल प्रदेश टाऊन एण्ड कन्ट्री प्लानिंग नियम, १९७८ जिनका पूर्व प्रकाशन राजपत्र हिमाचल प्रदेश में तारीख १६-१०-१९९६ को सम संख्यक अधिसूचना तारीख ३-१०-१९९६ द्वारा किया जा चुका है में और संशोधन करने के लिए निम्नलिखित नियम बनाते हैं, अर्थात् :—

१. संक्षिप्त नाम.—इन नियमों का संक्षिप्त नाम हिमाचल प्रदेश टाऊन एण्ड कन्ट्री प्लानिक (संशोधन) नियम, १९९६ है।

२. नियम २ का संशोधन.—हिमाचल प्रदेश टाऊन एण्ड कन्ट्री प्लानिक रूलज, १९७८ (जिन्हें इसमें इसके पश्चात् उक्त नियम कहा गया है) के नियम-२ के उप-नियम (१) के खण्ड (ए) के पश्चात् निम्नलिखित खण्ड (aa) अन्तः स्थापित किया जाएगा, अर्थात् :— “(aa) Appendix” means an appendix to.

3. नियम-10-A और 10-B का जोड़ा जाना.—उक्त नियमों के अध्याय-IV के प्रारम्भ में निम्नलिखित नए नियम 10-A और 10-B जोड़े जाएंगे, अर्थात् :—

10-A. *Permission for change of land use or development of land before the preparation of I. D.P./D. P.*—In the Planning Areas constituted under section-13, where in relation thereto, no interim plan or development plan has been prepared either under section-17 or under section-18 of the Act, the Director shall permit the change of land use, or as the case may be of the development of land in conformity with the guidelines given in Appendix-I to these rules.

10-B. *Sub-Division of land*—The Director while according approval for Sub-Division of land under the Act shall follow:—

- (a) In the case of lands, where no I. D. P. or D. P. has been prepared, the guidelines as given in Appendix-I to these rules.
- (b) In the case of lands, where I. D. P. has been prepared under section-17 or D. P. has been prepared under section-18, the provisions contained in the said interim development plan or Development Plan, as the case may be.

4. नियम-12 का संशोधन.—उक्त नियमों के नियम-12 में उप-नियम (2), के स्थान पर निम्नलिखित उप-नियम प्रतिस्थापित किया जाएगा, अर्थात् :—

Feess.—Rates of fee to be charged in relation to an application under sub-section (1) of Section-30, shall be:—

- (a) for floor area upto 50 sq mtr. Rs. 250/- lumpsum.
- (b) For building having more than 50 sqmtr. floor area 250/- plus an additional amount determined on the following rates:—

- (i) @Rs. 8/-per sq. metre for ground floor.
- (ii) @Rs. 20/-per sq. metre for 1st floor
- (iii) @Rs. 40 per sq. metre for additional floors.

- (c) for sub-division of land Rs. 5/-per Sq. mtr.
- (d) for revalidation of sanction Rs. 100/- lumpsum.
- (e) for change of building use Rs. 2500/- lumpsum.

5. अपेंडिक्स-1 का अस्तथापन.—उक्त नियमों के अन्त में निम्नलिखित अपेंडिक्स-1 जोड़ा जाएगा, अर्थात् :—

(See rules 10-A & 10-B)

GUIDELINESS FOR PERMISSION TO CHANGE LANDUSE, OR TO DEVELOP LAND OR TO SUB-DIVIDE OF LAND IN AREAS WHERE LANDUSE IS FROZEN AND INTERIM DEVELOPMENT PLAN OR DEVELOPMENT PLAN HAS NOT BEEN PREPARED

1. *Application for permission.*—After the boundaries of the land in question are marked, the applicant shall make an application addressed to the Director, and such application shall be accompanied by:—

- (a) a tatima ;
- (b) a copy of latest Jamabandi, indicating ownership of the land accompanied by sale deed if any;
- (c) a copy of location plan, in the scale 1:1000 and four copies of Site Plan in the Scale 1:200 showing access/road, services, adjoining landuse duly signed by the owner ;
- (d) a copy of treasury challan evidencing the deposit of fee; and
- (e) such other documents as the Director may call for.

(2) The rates of fees to be charged in relation to an application under para (1), shall be:—

(a) for floor area upto 50 sq. mtr Rs. 250/-lump sum.

(b) for building having more than 50 sq. mtr. floor area Rs. 250/-plus an amount determined on the following rates:—

(i) @Rs. 8/- per sq. mtr. for ground floor.

(ii) @Rs. 20/- per sq. mtr. for 1st floor.

(iii) @Rs. 40/- per sq. mtr. for additional floors.

(c) for sub-division of land Rs. 5/-per sq. mtr.

II. Coverage; set back and height of buildings etc. : Change of landuse or development of land shall be subject to the following conditions:—

1. *Coverage.*—Maximum permissible coverage of residential buildings in plots of different sizes shall be as under:—

(a) On plots upto 90 sqm.	65%
(b) On plots of 91 to 250 sqm.	60%
(c) On plots of 251 to 500 sqm.	55%, and
(d) On plots above 500 sqm.	50%

2. *Front set back.*—Minimum front set back of residential building on main road/path shall be 3 metres and minimum set backs on other sides shall be 2 metres.

3. *Row houses set back.*—In row houses, where common wall is constructed, rear set back shall be 2 metres; and side set backs shall be 2 metres in plots upto 150 sqm., and 3 metres in plots from 151 to 250 sqm.

4. *Set backs inbetween two roads.*—No construction shall be permitted on a piece of land left with buildable width less than 5 metres after maintaining set backs with reference to the size of plot when the same lies in between the two roads.

5. *Setbacks for arterial roads.*—Front set back of arterial roads with right of way of 24 and 18 metres shall be 7.5 metres and 5 metres respectively. Set back on other roads shall be as given in clause (2).

6. *Set backs in case of public utility services.*—The set backs shall not be applicable to the services like petrol pump, electric sub-stations, road sides infrastructures/facilities such as rain shelter, land scapping, auto-services etc. which are specifically permitted on the acquired width of the road by the Government in the case of the Government land or the local authority of the area in the case where land belongs to a local authority.

7. *Parking.*—(a) *Residential buildings.*—Where vehicular path or road exists or is proposed to be constructed, provision for Car Parking space/garrage shall be compulsory. One car parking space/garrage shall be provided for each of the storeys either on the ground floor or at any storey where the road connects the building. The owner of the building who do not possess any vehicle can use garrage (s) as habitable room (s) and car parking space as a lawn. One garrage upto 5.00 mtr. length can be permitted to the plot covering the space left for set back.

(b) *Hotel buildings.*—Where vehicular path/road exists, or is proposed to be constructed, provision of car parking/garage shall be compulsory. The parking/garage can be allowed in front set back. The rate of provisions of Car parking space/garage shall be as under:—

(i) for Hotels within Municipal area Ground Floor.

(ii) for Hotels out side Municipal area Ground Floor.

(c) The height of Garage shall not be more than 2.20 mtr.

(d) The maximum number of storey for Hotel shall not exceed three excluding parking floor.

8. *Height of buildings.*—Minimum and maximum floor height for residential buildings shall be 2.70 mtrs. and 3.50 mtrs. respectively.

9. *Projections.*—Uncovered balcony projection upto 1 metre shall be allowed over front set back of 3 metres; roof/slab projections and sun-shades shall be allowed upto 45 cms. over set backs on all sides.

10. *Storeys.*—Maximum number of storeys shall be four including basements and attic. Columns below basement or ground floor shall not be exposed and shall be covered by retaining wall. However, public and semi public, Government buildings can be allowed upto five storeys, if feasible, as per site conditions and also subject to the conditions that there is sufficient open space available.

11. *Drainage.*—The road side drain shall be on hill side. However, in plain areas where there are buildings on either side of road, drain may be provided on both sides.

12. *Reconstruction of existing buildings.*—Regulations regarding reconstruction of houses/building in the existence shall be on predominantly existing building lines; provided minimum width of road as per rules is available and roof projections, sun-shades upto 45 cms. shall be permitted over street or paths, as the case may be.

13. *Change of landuse of commercial purposes.*—Change of existing landuse for commercial, industrial, public and semi public, Government and semi-Government offices shall be on existing pattern of development and site conditions.

14. *Basic Services.*—Where basic services like paved roads, Drainage, water supply, sewerage disposal, electrical supply lines, street lighting etc. do not exist, change of landuse, or development of land shall not be permitted, unless the applicant undertakes that these services shall be provided at his own cost.

15. *Ecology to not to be disturbed.*—(1) Change of landuse or the development of land shall be made in such a manner that natural profile of the land is least disturbed.

(2) Where, it is essential to develop a plot by cutting, it shall be the responsibility of the plot owner to provide according to the engineering specifications, retaining and breast walls so that such cutting of natural profile of the land may not harm the adjoining uphill side properties. However, cutting of natural profile shall not exceed more than one storey (3) metres in any case having a provision of diaphragm wall for step housing).

(3) Change in the use of land or the development of land shall be made in the manner so as to achieve maximum air, light and sun where it is needed most.

16. *Carving of plots.*—(1) Orientation of the plots shall be provided in such a manner so as to be in conformity with the integration of existing plots/infrastructure, wind direction, natural flow of surface drainage to allow un-obstructed rain water discharge.

(2) Layout of plots shall be governed by easy access having acceptable grades minimum 1:15 and which may not obstruct view or vista.

(3) For group of plots exceeding 10 in number on one particular access, minimum vehicular access shall be of 5 metres width. However, 3 metres minimum wide pedestrian links can be provided to smaller cluster of plots not exceeding 10 in number.

(4) *Minimum area :*

Minimum area of a plot with set backs shall be:—

(i) In case of plots with four sides set backs .. 145 sq. mtrs.

(ii) In case of plots for row housing:—

(a) Plots with one common wall .. 120 sq. mtrs.

(b) Plots with two common wall .. 90 sq. mtrs.

— Provided that in exceptional circumstances, for the benefit of economically weaker section and where the site conditions permit to do so, the Director may fix 60 sq. mtrs. the minimum area of plots with two common walls.

(5) One common wall construction shall be allowed in plots upto 250 sq. mtrs. and two common walls construction in plots upto 120 sq. mtrs. subject to the condition that maximum number of such plots does not exceed 8 in row, after which a gap of 7 metres shall be left.

17. *Registration of sale deed etc.*—No Registrar or the Sub-Registrar, appointed under the Indian Registration Act, 1908 shall, in any planning area constituted under section-13, register any deed or document of transfer of any sub-division of land by way of sale, gift, exchange, lease or mortgage with possession, unless the sub-division of land is duly approved by the Director, and an attested copy of the said approval is enclosed with deed or document as the case may be."

आदेश द्वारा,

हस्ताक्षरित/-

वित्तियुक्त एवं सचिव ।

[Authoritative English Text of Government Notification No. P.B.W. (B&R) (B) 24 (18)/90, dated 24-1-1997 as required under clause (3) of Article 348 of the Constitution of India.]

TOWN AND COUNTRY PLANNING DEPARTMENT

NOTIFICATION

Shimla-2, the 24th January, 1997

No. PBW (B/R) (B) 24 (18)/90 (Loose).—In exercise of the powers conferred by Section-87 of the Himachal Pradesh Town & Country Planning Act, 1977 (Act No. 12 of 1977) the Governor

of Himachal Pradesh is pleased to make the following rules further to amend the Himachal Pradesh Town & Country Planning Rules, 1978, the same having been previously published in Rajpatra, Himachal Pradesh dated 16-10-1996 vide Notification of even number dated 3-10-1996, namely:—

1. *Short title.*—These Rules may be called the Town and Country Planning (Amendment) Rules, 1996.

2. *Amendment of Rule-2.*—After clause (a) of sub-rule (1) of rule-2 of the Himachal Pradesh Town and Country Planning Rules, 1978 (hereinafter called the said rules), the following clause (aa) shall be inserted, namely:—

“(aa) Appendix” means an appendix to these rules.

3. *Insertion of rules-10-A and 10-B.*—In the beginning of Chapter-IV of the said rules, the following new rules 10-A and 10-B shall be added, namely:—

“10-A. *Permission for change of landuse, or development of land, before the preparation of I. D. P./D. P.*—In the Planning Areas constituted under section-13, where in relation thereto, no Interim Development Plan or Development Plan has been prepared either under section-17 or under section-18 of the Act, the Director shall permit the change of landuse or as the case may be of the development of land, in conformity with the guidelines given in Appendix-I to these rules.

10-B. *Sub-Division of land.*—The Director while according approval for sub-division of land under the Act shall follow:—

(a) in the case of lands, where no I. D. P. or D. P. has been prepared, the guidelines as given in Appendix-I to these rules.

(b) in the case of lands, where I. D. P. has been prepared under section-17 or D. P. has been prepared under section-18, the provisions [contained in the said Interim Development Plan or Development Plan as the case may be”.

4. *Amendment of rule 12.*—In rule 12 of the said rules, for sub-rule (2), the following sub rule shall be substituted, namely :—

“2. *Fees.*—Rates of fee to be charged in relation to an application under sub-section (1) of Section 30, shall be :—

(a) for floor area upto 50 sq mtr. Rs. 250/- lump sum.

(b) for building having more than 50 sq mtr. floor area Rs. 250/- plus an additional amount determined on the following rates :—

(i) @ Rs. 8/- per sq. mtr. for ground floor.

(ii) @ Rs. 20/- per sq. mtr. for 1st floor.

(iii) @ Rs. 40/- per sq. mtr. for additional floors.

(c) for sub-division of land Rs. 5/- per Sq. mtr.

(d) for revalidation of sanction Rs. 100/- lump sum.

(e) for change of building use Rs. 2,500/- lump sum.

5. *Insertion of Appendix-I.*—At the end of the said rules, the following Appendix-I shall be added, namely —

“APPENDIX,-I”

(See rule 10-A and 10-B)

GUIDELINES FOR PERMISSION TO CHANGE LANDUSE, OR TO DEVELOP LAND OR TO SUB-DIVIDE OF LAND IN AREAS WHERE LANDUSE IS FROZEN AND INTERIM DEVELOPMENT PLAN OR DEVELOPMENT PLAN HAS NOT BEEN PREPARED

I. Application for premission:—

- (1) After the boundaries of the land in question are marked, the applicant shall make an application addressed to the Director, and such application shall be accompanied by :—
 - (a) a tatima;
 - (b) a copy of latest Zamabandi indicating ownership of the land accompanied by sale deed, if any;
 - (c) a copy of location plan, in the scale 1:1000 and four copies of site plan in the scale 1:200 showing access/road services, adjoining land use duly signed by the owner;
 - (d) a copy of treasury challan evidencing the deposit of fee ; and
 - (e) such other documents as the Director may call for.
- (2) The rates of fees to be charged in relation to an application under para (1), shall be—
 - (a) for floor area upto 50 sq. mtr. Rs. 250/- lump sum.
 - (b) for building having more than 50 sq. mtr. floor area Rs. 250/- plus an amount determined on the following rates :—
 - (i) @ Rs. 8/- per sq. mtr. for ground floor;
 - (ii) @ Rs. 20/- per sq. mtr. for Ist floor.
 - (iii) @ Rs. 40/- per sq. mtr. for additional floors.
 - (c) for sub-division of land Rs. 5/- per sq. mtr.

II. Coverage, set back and height of buildings etc.—Change of landuse or development of land shall be subject to the following conditions :—

1. *Coverage.*—Maximum permissible coverage of residential buildings in plots of different sizes shall be as under :—

- | | |
|---------------------------------|---------|
| (a) On plots upto 90 sqm. | 65% |
| (b) On plots of 91 to 250 sqm. | 60% |
| (c) On plots of 251 to 500 sqm. | 55% and |
| (d) On plots above 500 sqm. | 50% |

2. *Front set back.*—Minimum front set back of residential building on main road/path shall be 3 metres and minimum set backs on other sides shall be 2 metres.

3. *Row houses set back.*—In row houses, where common wall is constructed, rear set back shall be 2 metres ; and side set backs shall be 2 metres in plots upto 150 sqm., and 3 metres in plots from 151 to 250 sqms.

4. *Set backs in between two roads.*—No construction shall be permitted on a piece of land left with buildable width less than 5 metres after maintaining set backs with reference to the size of plot when the same lies in between the two roads.

5. *Set backs for arterial roads.* Front set back of arterial roads with right of way of 24 and 18 meters shall be 7.5 metres and 5 metres respectively. Set back on other roads shall be as given in clause (2).

6. *Set backs in case of public utility services.*—The set backs shall not be applicable to the services like petrol pump, electric sub-stations, road side infrastructures/facilities such as rain shelter, land scapping, auto-services etc. which are specifically permitted on the acquired width of the road by the Government in the case of the Government land or the local authority of the area in the case where land belongs to a local authority.

7. *Parking.*—(a) Residential buildings.—Where vehicular path or road exists or is proposed to be constructed, provision for Car Parking space/garrage shall be compulsory. One car parking space/garrage shall be provided for each of the storeys either on the ground floor or at any storey where the road connects the building. The owner of the building who do not possess any vehicle can use garrage (s) as habitable room (s) and car parking space as a lawn. One garrage upto 5.00 mts. length can be permitted to the plot covering the space left for set back.

(b) *Hotel buildings.*—Where vehicular path/road exists, or is proposed to be constructed, provision of car parking/garrage shall be compulsory. The parking/garrage can be allowed in front set back. The rate of provision of Car parking space/garrage shall be as under :—

(i) for Hotels within Municipal area.

Ground floor.

(ii) for Hotels outside Municipal area

Ground floor

(c) The height of Garrage shall not be more than 2.20 mtrs.

(d) The maximum number of storey for Hotel shall not exceed three excluding parking floor.

8. *Height of buildings.*—Minimum and maximum floor height for residential buildings shall be 2.70 mtrs. and 3.50 mtrs. respectively.

9. *Projections.*—Uncovered balcony projection upto 1 metre shall be allowed over front set back of 3 metres ; roof/slab projections and sun shades shall be allowed upto 45 cms. over set backs on all sides.

10. *Storeys.*—Maximum number of storeys shall be four including basements and attic. Columns below basement or ground floor shall not be exposed and shall be covered by retaining wall. However, public and semi public, Govt. buildings can be allowed upto five storeys, if feasible as per site conditions and also subject to the conditions that there is sufficient open space available.

11. *Drainage.*—The road side drain shall be on hill side, However, in plain areas where there are buildings on either side of road, drain may be provided on both sides.

12. Reconstruction of existing buildings.—Regulations regarding reconstruction of houses/ building in the existance shall be on predominantly existing building lines; provided minimum width of road as per rules is available and roof projections, sun shades upto 45 cms. shall be permitted over street or paths, as the case may be.

13. Change of landuse for commercial purposes.—Change of existing landuse for commercial, industrial, public and semi public, Government and semi- Government offices shall be on exist- ing pattern of development and site conditions.

14. Basic Services.—Where basic services like paved roads, drainage, water supply, sewer- age disposal, electrical supply lines, street lighting etc. do not exist, change of landuse, or develop- ment of land shall not be permitted, unless the applicant undertakes that these services shall be provided at his own cost.

15. Ecology not to be disturbed.—(1) Change of landuse or the development of land shall be made in such a manner that natural profile of the land is least disturbed.

(2) Where, it is essential to develop a plot by cutting, it shall be the responsibility of the plot owner to provide according to the engineering specifications, retaining and breast walls so that such cutting of natural profile of the land may not harm the adjoining uphill side properties. However, cutting of natural profile shall not exceed more than one storey (3 metres in any case having a provision of diaphragm wall for step housing).

(3) Change in the use of land or the development of land shall be made in the manner so as to achieve maximum air, light and sun where it is needed most.

16. Carving of plots.—(1) Orientation of the plots shall be provided in such a manner so as to be in conformity with the integration of existing plots/infrastructure, wind direction, natural flow of surface drainage to allow un-obstructed rain water discharge.

(2) Layout of plots shall be governed by easy access having acceptable grades minimum 1.15 and which may not obstruct view or vista.

(3) For group of plots exceeding 10 in number on one particular access, minimum vehicular access shall be of 5 metres width. However, 3 metres minimum wide pedestrian links can be pro- vided to smaller cluster of plots not exceeding 10 in number.

(4) Minimum area :

Minimum area of a plot with set-backs shall be :—

- | | |
|--|-------------------|
| (i) In case of plots with four sides set-backs | .. 150 sq. mtrs. |
| (ii) In case of plots for row housing— | |
| (a) Plots with one common wall | .. 120 sq. mtrs. |
| (b) Plots with two common walls. | .. 90 sq. mtrs. . |

Provided that in exceptional circumstances, for the benefit of economical ly weaker sections and where the site conditions permit to do so, the Director may fix 60 sq. mtrs. the minimum area of plots with two common walls.

(5) One common walls construction shall be allowed in plots upto 250 sq. mtrs. and two common walls construction in plots upto 120 sq. mtrs. subject to the condition that maximum number of such plots does not exceed 8 in row, after which a gap of 7 meters shall be left.

17. *Registration of sale deed etc.*—No Registrar or the Sub-Registrar, appointed under the Indian Registration Act, 1908 shall in any planning area constitute (under section-13, register any deed or document of transfer of any sub-division of land by way of sale, gift, exchange, lease or mortgage with possession, unless the sub-division of land is duly approved by the Director, and an attested copy of the said approval is enclosed with deed or document, as the case may be.”

By order,

Sd/-

F. C.-cum-Secretary (TCP).